

2016 Regular Session

HOUSE BILL NO. 618

BY REPRESENTATIVE WILLMOTT

HUMAN REMAINS: Requires a health facility to provide notice of a parent's right to determine the final disposition of fetal remains

1 AN ACT

2 To enact Part VI of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised  
3 Statutes of 1950, to be comprised of R.S. 40:1191.1 through 1191.2, relative to fetal  
4 remains; to provide for definitions; to require notification of parents' right to  
5 determine the final disposition; to require notification of available counseling; to  
6 provide for final disposition if no parental decision indicated after forty-eight hours;  
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part VI of Subchapter B of Chapter 5-D of Title 40 of the Louisiana  
10 Revised Statutes of 1950, comprised of R.S. 40:1191.1 through 1191.2, is hereby enacted  
11 to read as follows:

12 PART VI. DISPOSITION OF FETAL REMAINS

13 §1191.1. Definitions

14 As used in this Part, the following terms have the meaning ascribed to them  
15 in this Section unless the context requires otherwise:

16 (1) "Final disposition" means the burial, cremation, or other disposition of  
17 the remains of a human fetus following fetal death.

18 (2) "Health facility" means a facility licensed by the Department of Health  
19 and Hospitals to provide health services.

1        §1191.2. Final disposition of fetal remains; rights of parents; notice required;  
2                    exception

3                    A. Prior to the final disposition of a miscarried or stillborn child, but in no  
4                    event more than twenty-four hours after the miscarriage or stillbirth occurs in a  
5                    health facility, the facility shall notify at least one parent, both orally and in writing,  
6                    of both of the following:

7                    (1) The parent's right to arrange for the final disposition of the child.

8                    (2) The availability of a chaplain or other counseling concerning the death  
9                    of the child, whether provided by the facility or another provider.

10                    B.(1) The parent shall have forty-eight hours from receipt of the notice  
11                    provided by the health facility pursuant to Subsection A of this Section to elect in  
12                    writing to arrange for the final disposition of the child. The disposition shall be in  
13                    accordance with the provisions of Chapter 10 of Title 8 of the Louisiana Revised  
14                    Statutes of 1950.

15                    (2) If the health facility does not receive the parent's decision for final  
16                    disposition of the child within the forty-eight-hour period provided for in Paragraph  
17                    (1) of this Subsection, the remains shall be disposed of in accordance with the rules  
18                    and regulations promulgated by the Department of Health and Hospitals.

19                    C. No notice shall be required if both parents are incapacitated or otherwise  
20                    unable to receive the notice required by Subsection A of this Section.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 618 Original

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**Abstract:** Requires a health facility to provide notice to parents of the right to determine the final disposition of a miscarried or stillborn child.

Proposed law requires a health facility, prior to the final disposition of a miscarried or stillborn child, but in no event more than 24 hours after the miscarriage or stillbirth occurs in the facility, to notify to least one parent, both orally and in writing, of both of the following:

(1) The parent's right to arrange for the final disposition of the child.

- (2) The availability of a chaplain or other counseling concerning the death of the child, whether provided by the facility or another provider.

No notice is required if both parents are incapacitated or otherwise unable to receive the notification required by proposed law.

Proposed law grants the parent a period of 48 hours from receipt of the notice to elect in writing to arrange for the final disposition of the child. If the parent's decision for final disposition is not received within 48 hours, proposed law requires the health facility to dispose of the remains in accordance with rules and regulations promulgated by the Dept. of Health and Hospitals.

(Adds R.S. 40:1191.1-1191.2)